

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

November 14, 2008

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No.: 08HD-157

Hawaii

Cancellation of Revocable Permit No. S-7410 to Louella N. Schutte and Issuance of Month-to-Month Revocable Permit to Guy K. Schutte for Pasture Purposes; Waimea, South Kohala, Hawaii, TMK: 3rd/6-4-31:7,9 &10.

APPLICANT:

Louella N. Schutte (permittee), whose business and mailing address is P.O. Box 506, Kamuela, Hawaii 96743, and Guy K. Schutte son, tenant in severalty (applicant).

LEGAL REFERENCE:

Sections 171-13 and -55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands described as Puukapu Homesteads, South Kohala, Hawaii, identified by Tax Map Key: 3rd/ 6-4-31:7,9 &10, as shown on the attached map labeled Exhibit A.

AREA:

19.08 acres, more or less.

ZONING:

State Land Use District:	Agriculture
County of Hawaii CZO:	Open

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CURRENT USE STATUS:

Encumbered.

CHARACTER OF USE:

Pasture purposes.

COMMENCEMENT DATE:

The first day of the month to be determined by the Chairperson.

MONTHLY RENTAL:

\$27.00 per month based on the previous rent of \$27.00 for RP S-7410. This rent was reconfirmed by the Board at its meeting of October 24, 2008 under agenda item D-1.

COLLATERAL SECURITY DEPOSIT:

Twice the monthly rental.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with the "Division of Land Management's Environmental Impact Statement Exemption List", approved by the Environmental Council and dated April 28, 1986, the subject request is exempt from the preparation of an environmental assessment pursuant to Exemption Class No. 1, Item No. 2 that states "existing authorized use of State land that continues with no interruption or change in use."

DCCA VERIFICATION:

Not applicable as individuals are not required to register with the DCCA.

REMARKS:

At its meeting of November 8, 1968 under agenda item F-1-a, the Board consented to Revocable Permit No. S-4241 issued to Spencer K. Schutte for pasture purposes and at its meeting of February 13, 1981 under agenda item F-1-a, the Board consented to Revocable Permit No. S-5828 issued to Spencer K. Schutte, also for pasture purposes.

Mr. Schutte passed away in November, 2000. His widow, Louella N. Schutte wished to continue managing the cattle operation she ran with her husband and requested the cancellation and issuance of a new permit.

At its meeting of January 28, 2005, the Board, under agenda item D-4, approved the cancellation of Revocable Permit No. S-4241 and Revocable Permit No. S-5828 to Spencer K. Schutte and issued Revocable Permit No. S-7410 to Louella N. Schutte for pasture purposes.

The Applicant has been in the ranching business for many years and comes from a family of long-time ranchers. In addition to their private pasturelands, the Schutte family have leases from DHHL along with the revocable permit from DLNR. Mr. Schutte has been involved in all aspects of ranching including the breeding, medicating, branding and selling of livestock as well as repairing fences, waterlines, gates, etc. Pursuant to Section 171-14.5, HRS, these criteria qualify the Applicant as a bona fide farmer/rancher.

Guy Schutte, her son, has been managing the permit for his mother and would like to take full responsibility for the land. As revocable permits are not assignable, staff is recommending the Board consent to the cancellation of RP S-7410 and issue a new permit to Guy Schutte.

The Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. There have been no other applicants requesting use of these parcels.

The existence of a flood settlement pond and drainage easements make these parcels unsuitable for long-term leasing.

Several Federal, State and County agencies were consulted and no objections were received for this request. Staff did consult with a conservation planner from the USDA, Natural Resource Conservation Service regarding the drainage easements and sediment pond on the properties. Concerns were raised by the planner that access be allowed for maintenance of the easements and pond. Staff recommends that the applicant make these facilities available to the appropriate government agencies for periodic inspections and maintenance.

Staff is recommending the Board cancel Revocable Permit No. S-7410 to Louella N. Schutte and issue a new month-to-month revocable permit to Guy K. Schutte.


RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.
2. Authorize the cancellation of Revocable Permit No. S-7410 to Louella N. Schutte and issue a new permit to Guy K. Schutte, covering the subject area for pasture purposes under the terms and conditions cited above, which are by this reference

incorporated herein and further subject to the following:

- a. The standard terms and conditions of the most current revocable permit form, as may be amended from time to time;
- b. Applicant shall apply as a cooperator with the Mauna Kea Soil and Water Conservation District within thirty (30) days from the effective date of this permit;
- c. Require the applicant make the drainage easements and sediment pond available to the appropriate government agencies for periodic inspections and maintenance.
- d. Review and approval by the Department of the Attorney General; and
- e. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,


for Gordon C. Heit
Land Agent

APPROVED FOR SUBMITTAL:

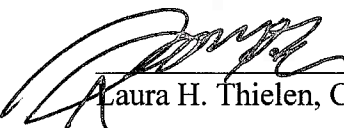

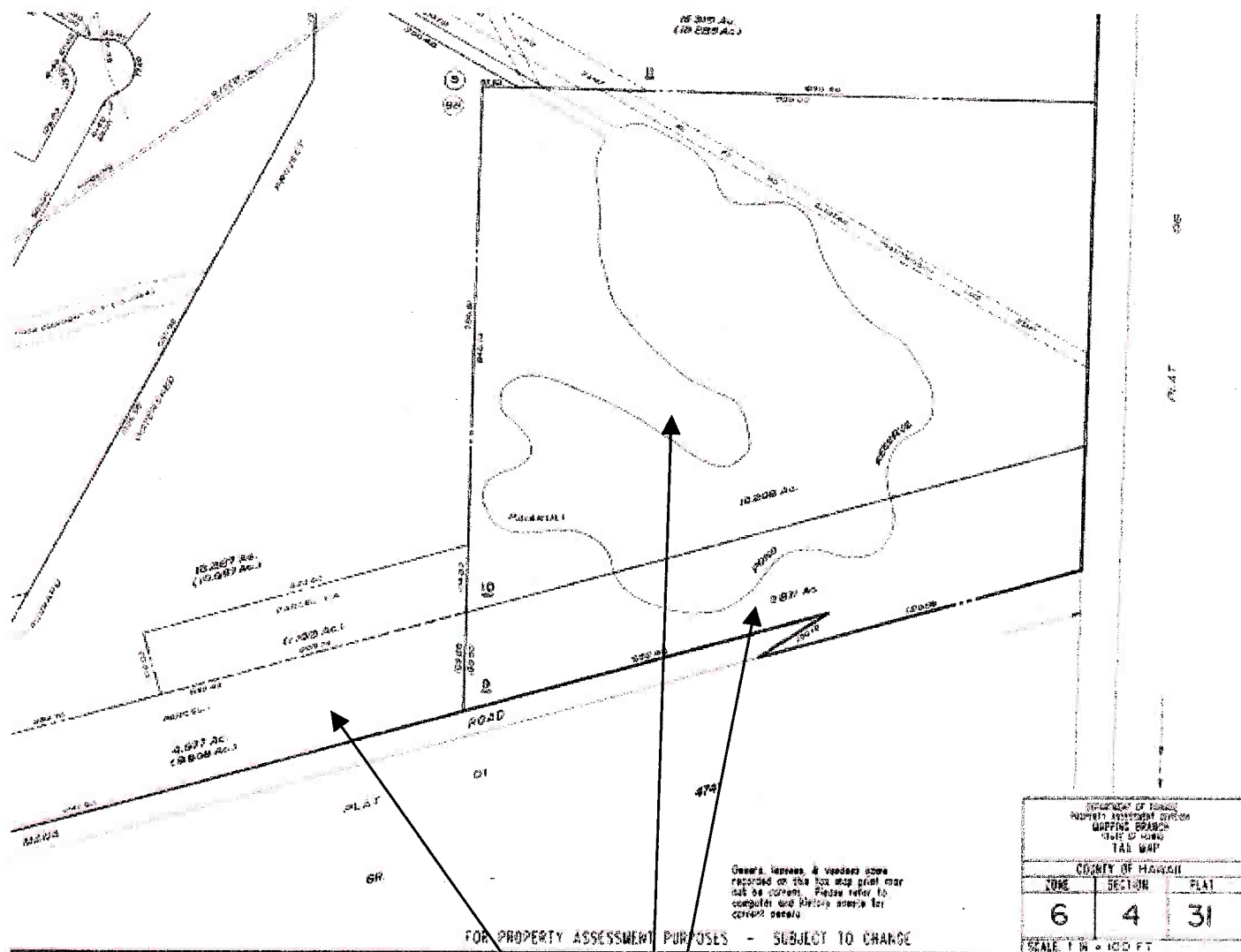

Laura H. Thielen, Chairperson 

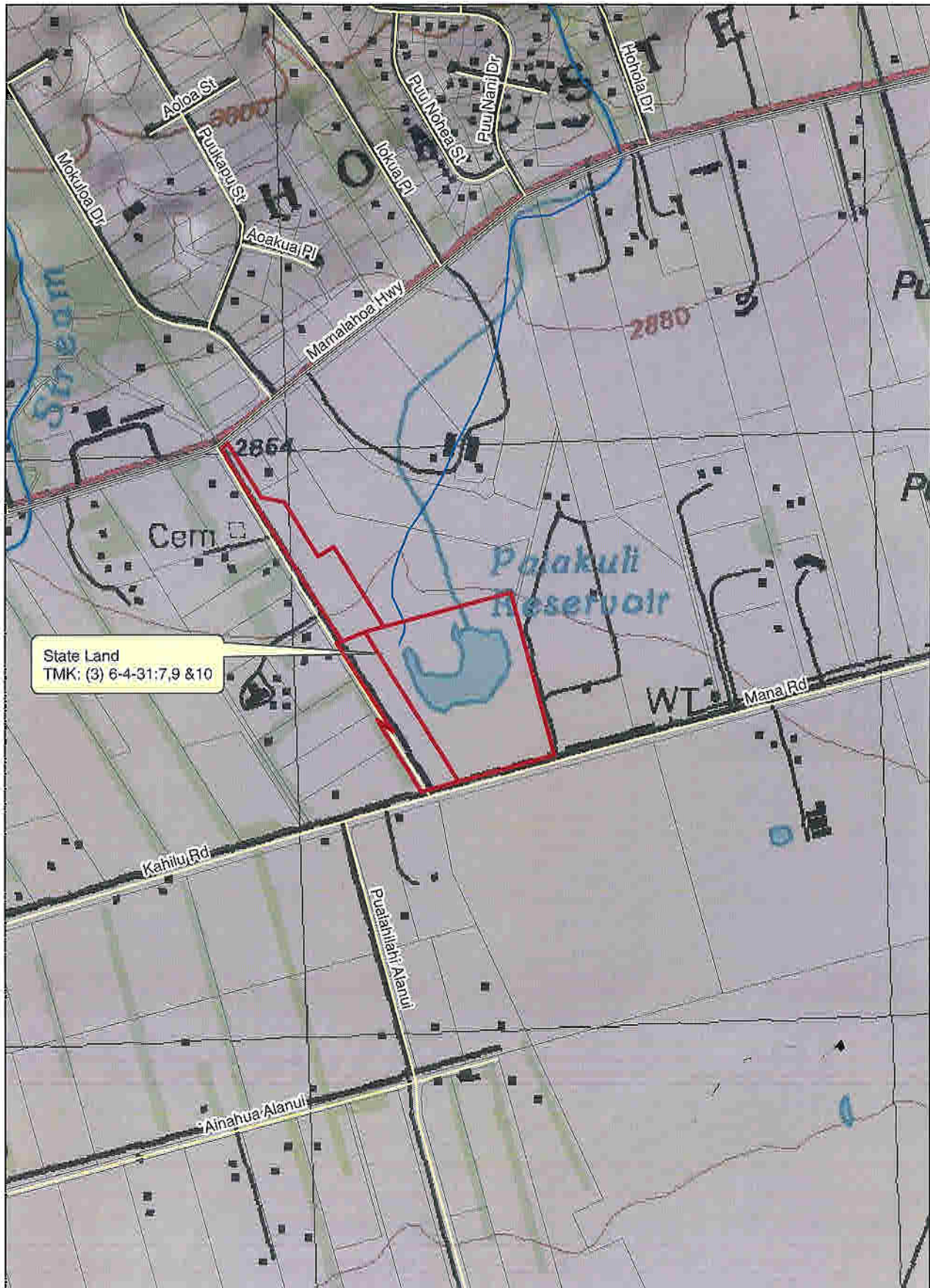
EXHIBIT A

TMK: 3RD/6-4-31:10



SUBJECT PROPERTY

Schutte RP Request



0 275 550 1,100 1,650 2,200
Feet

